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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Report of the United Nations Special Mission to the Turks and Caicos Islands, 2006

Contents

		Paragraphs	Page
I.	Introduction	1–6	2
	A. Terms of reference	1–3	2
	B. Composition of the Mission	4	2
	C. Acknowledgements	5–6	3
II.	Information on the Territory	7–17	3
III.	Activities of the Mission	18–35	7
IV.	Conclusions	36–41	13
Annexes			
I.	Opening statement of the Chairman of the Special Committee at the meeting with the Chief Minister and Members of Cabinet		16
II.	Itinerary and activities of the Special Mission		19

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I. Introduction

A. Terms of reference

1. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples held its Caribbean Regional Seminar in Canouan, Saint Vincent and the Grenadines from 17 to 19 May 2005. The seminar was attended by a delegation from the Turks and Caicos Islands, led by Chief Minister Michael Misick, and including Oswald Skippings of the opposition Progressive National Party (PNP). Both the Chief Minister and Mr. Skippings addressed the seminar on the status of discussions between the Turks and Caicos Islands and the Government of the United Kingdom of Great Britain and Northern Ireland on matters of self-determination. In addition, they invited the Special Committee to send a mission to the Turks and Caicos Islands to assess the situation on the ground and to inform interested groups and the public on matters of self-determination.

2. A formal letter of invitation was addressed to the Chairman of the Special Committee by Chief Minister Misick in July 2005. On 3 November 2005, the Chairman of the Special Committee wrote to the Permanent Representative of the United Kingdom to the United Nations, seeking the concurrence of his Government, as administering Power, for the mission. In a reply dated 11 November 2005, the Permanent Representative of the United Kingdom stated that his Government had no objection to the Committee accepting the invitation. On 21 November, the Chairman wrote to the Chief Minister noting that, subject to the formal decision of the Special Committee, it was anticipated that a mission could be arranged for the first quarter of 2006. The Special Committee decided formally, at its first meeting on 23 February 2006, to accept the invitation and to undertake a Special Mission to the Turks and Caicos Islands from 2 to 9 April 2006. On 29 March 2006, the Committee adopted the composition and programme of work of the Mission and decided that, owing to the reduced budget allotment available as a result of the temporary six-month budget of the United Nations: the length of the Mission would be shortened by two days; scheduled visits to several of the smaller islands would be eliminated; and the number of representatives of member States of the Special Committee and Secretariat support staff would be reduced.

3. In accordance with the request from the Turks and Caicos Islands Government, the Special Committee agreed that the Mission would examine the political, economic and social developments in the Territory and provide information about the role of the United Nations and the Special Committee's decolonization mandate to the Government and people of the Territory.

B. Composition of the Mission

4. On 29 March 2006, the Special Committee decided that the Special Mission to the Turks and Caicos Islands would be led by the representative of Saint Lucia and composed of the representatives of Fiji and Tunisia. The delegation would also be accompanied by an independent expert, a representative of the United Nations Development Programme (UNDP) and a staff member of the Secretariat. The members of the Mission were as follows: Julian Robert Hunte, Permanent Representative of Saint Lucia to the United Nations, Chairman of the Special

Committee and Chairman of the Special Mission; Isikia Rabici Savua, Permanent Representative of Fiji to the United Nations; Kais Kabtani, Counsellor of the Permanent Representative of Tunisia to the United Nations; Carlyle Corbin, independent expert in governance and constitutional development; Melissa McNeil, programme associate of the UNDP office in Jamaica; and Denise Cook, Senior Political Affairs Officer of the United Nations Secretariat.

C. Acknowledgements

5. The Special Committee and the members of the Mission wish to express their profound gratitude to the Government of the United Kingdom, in particular to Emyr Jones Parry the Permanent Representative of the United Kingdom to the United Nations in New York, for facilitating the Mission to the Territory, and to Governor Richard Tauwhare for his cooperation and hospitality in Grand Turk. The Mission is also especially grateful to Chief Minister Michael Misick and his Cabinet, the leader of the opposition, Derek Taylor, and the Speaker and members of the Legislative Council for the insights provided and courtesies extended to them during their stay. Norman Hamilton, special adviser to the Chief Minister, provided invaluable logistic and substantive support. In addition, the Mission greatly appreciated the valuable interaction with representatives of the Public Services Commission, the constitutional review body, the business community and non-governmental organizations. Finally, the Mission is very grateful to the people of the Turks and Caicos Islands for contributing so vibrantly to the spirited discussions on the future self-determination of their country at the public meetings held in Grand Turk and Providenciales.

6. The Mission is also deeply grateful to UNDP for sending a representative on the Mission, facilitating the participation of an expert on governance and constitutional matters and providing ongoing assistance to the Territory through the regional programmes for social development, governance and capacity-building of the United Nations system. The Mission is also indebted to the independent expert, Carlyle Corbin, for conducting a substantive advance briefing for members of the Mission, interested delegations and Secretariat staff, as well as for the comprehensive background material he provided to the Mission at United Nations Headquarters.

II. Information on the Territory

7. The Turks and Caicos Islands,[1] a Non-Self-Governing Territory administered by the United Kingdom, comprises some 40 islands and cays situated 145 kilometres north of Haiti and the Dominican Republic and 925 kilometres south-east of Miami, United States of America. Only six of the islands are permanently inhabited: Grand Turk, where the capital and Government a e located; Salt Cay; South Caicos; Middle Caicos; North Caicos; and Providenciales, where most of the population and tourism development are concentrated. Most of the population is of African descent. In 2004, the total population of the Territory was estimated at

[1] More detailed information regarding constitutional, political, economic and social conditions in the Turks and Caicos Islands is included in the recent working paper on the Territory prepared by the Secretariat (A/AC.109/2006/15).

26,000, including some 8,000 to 10,000 immigrants from Haiti and the Dominican Republic, although many of the Mission's interlocutors noted that the current population of the Territory may be far larger, given the growing numbers of undocumented immigrants who are attracted by job opportunities in tourism and construction.

8. The Turks and Caicos Islands were discovered by the Spanish in 1512, but remained virtually uninhabited until 1678, when Bermudians started a salt industry. After the United States War of Independence, the islands were settled by royalist sympathizers who established cotton plantations, sustained with slave labour. When the cotton crops failed and slavery was abolished, the planters abandoned the islands, leaving their former slaves behind. After 1872, the Territory was governed by the United Kingdom as a dependency of Jamaica. After Jamaican independence in 1962, the islands became a separate British colony under the control of the Bahamas. When the Bahamas achieved independence in 1973, the Turks and Caicos were placed under a British Governor stationed on Grand Turk.

9. Since the 1980s, the Turks and Caicos Islands have enjoyed major economic growth stemming from upmarket tourism, property development and international financial services. There is significant foreign investment, mainly from Canada, the United Kingdom and the United States. The Government levies no taxes on corporate or personal income, capital gains or inheritance, earning much of its revenue through customs duty, company registration fees and tourism levies. The United States dollar is the official currency.

10. The Turks and Caicos Islands have a ministerial system of government. Under the 1976 Constitution, amended in 1988, executive power is vested in the Governor, appointed by the Queen. The Constitution provides for an Executive Council and a Legislative Council. The Governor is responsible for foreign affairs, internal security, defence, offshore finance and certain other matters, but is otherwise required to act on the advice of the Executive Council. The Executive Council consists of the Governor, six elected members of the Legislative Council appointed by the Governor (the Chief Minister and his five Ministers) and two ex officio members (the Chief Secretary and the Attorney General). The Legislative Council consists of 19 members: the Speaker, 13 representatives elected by popular vote, 3 appointed by the Governor (one on the advice of the Chief Minister, the other on the advice of the Leader of the Opposition) and the two ex officio members of the Executive Council. The Speaker is appointed on the advice of the governing party.

11. There are two main political parties in the Territory: the People's Democratic Movement (PDM) and PNP, formed in 1975 and 1980, respectively. At the most recent general election in April 2003, the then governing PDM won by a slim margin of seven electoral seats to the opposition PNP's six seats. In August 2003, by-elections were held in two constituencies following a successful petition to the Supreme Court by PNP, alleging various errors and election irregularities. The then Chief Minister, Derek Taylor of PDM, who had been sworn in for a third term, requested, in a letter dated 21 June 2003 addressed to the Governor, that the Legislative Council be dissolved by proclamation and that fresh elections be held. The Governor instead decided to hold by-elections in the two contested constituencies. The by-elections were observed by representatives from the United Kingdom and the Caribbean Community (CARICOM). The PNP candidates in the contested constituencies were successful in reversing the earlier vote. As a result,

PNP gained an 8 to 5 majority of the elected members of the Legislative Council. Michael Misick became Chief Minister on 13 August 2003, and Derek Taylor the leader of the opposition.

12. The Territory is currently in the midst of a constitutional reform process, which began in 2002 when a local constitutional review body appointed by the Governor held broad consultations and issued its constitutional modernization review report, pursuant to the "White Paper on Partnership for Peace and Prosperity: Britain and the Overseas Territories", presented to the British Parliament by the Secretary of State for Foreign and Commonwealth Affairs in March 1999.[2] Similar reviews are in various stages of completion in five British Overseas Territories in the Caribbean, in compliance with a constitutional modernization checklist furnished by the administering Power, which set out the parameters for the review. Many of the public concerns reflected in the recommendations of the constitutional review body were related to limiting the powers of the Governor, although the checklist questioned whether the existing executive and legislative powers held by the Governor were, indeed, adequate in respect of his responsibilities under the Constitution, including authorization of expenditure, finance, good government, periods of public emergency, public order, amending legislation and appointments to public office. The above notwithstanding, the recommendations were that: the leaders of the ruling party and the opposition should be consulted on the candidature of the Governor; some of the Governor's powers should be transferred to Ministers; a permanent Deputy Governor position should be established, who should be a Turks and Caicos Islands "belonger"; and the scope of issues where the Governor had to consult the Executive Council should be expanded. The report also made recommendations with respect to the executive, legislative and judicial organs of the Territory, including the addition of one ministerial post and more frequent or regular meetings of those bodies, in particular the Court of Appeal. The recommendations concerning the public service were mostly designed to ensure stronger influence and representation of territorial interests vis-à-vis the Governor, and included the designation of ministerial responsibility for the public service. It was also recommended that only "belongers" should be qualified to vote and become elected and appointed members of the Legislative Council. In addition, the report outlined recommendations on the fundamental rights and freedoms of the individual, to bring them more into conformity with European conventions on human rights. In particular, the establishment of a human rights commission was recommended. As regards the future constitutional status of the Territory, the report indicated that during the meetings there were a number of proponents of full internal self-government. The report noted, however, that once the position of the United Kingdom had been explained to those proponents, that is that a decision to advance full internal self-government would have to be accompanied by the setting of a timetable for independence, enthusiasm for the proposal had dissipated.

13. In 2004, two constitutional review meetings were held between the Territory's representatives and those of the United Kingdom, but the process appeared to slow down thereafter. In May 2005, at the Caribbean Regional Seminar on the implementation of the Second International Decade for the Eradication of Colonialism in Saint Vincent and the Grenadines, Chief Minister Misick stated that his Government had been elected on a mandate of achieving full internal self-

[2] A/AC.109/1999/1, annex.

government and was maintaining that position in constitutional talks with the United Kingdom. Furthermore, PNP and the Government supported independence after a reasonable period of full internal self-governance, but could not accept the United Kingdom's timetable for independence, namely "two years tied to a referendum on the issue". In addition, the Chief Minister stated that his Government had not ruled out seeking free association with other countries as an interim stage to independence. To that end, he had held discussions with political leaders in Canada and at home who were promoting that idea, and indicated that he would continue such discussions simultaneously with constitutional talks with the British Government. He described the current political system, wherein the ultimate power was in an unelected Governor, as undemocratic.

14. In October 2005, following constitutional talks held in London with a Government delegation from the Turks and Caicos Islands, the Foreign Office Minister for the Overseas Territories, Lord Triesman, announced that an agreement had been reached representing a genuine modernization of the constitution of the Turks and Caicos Islands, while protecting the British Government's essential interests. In a press release, Chief Minister Misick regretted that the opposition PDM had decided not to attend the talks in London. He went on to say that the negotiations had produced "a modern constitution for the people of Turks and Caicos that reflects the modern relationship between the two countries".

15. The agreement reached in London envisaged the drafting of a new constitution by officials of the Foreign and Commonwealth Office that would then be provided to the Turks and Caicos Government and the opposition for their comments. Afterwards, the text would be circulated among the general public so it could become familiar with its provisions. The consultative process would then proceed with a debate on the new text in the Legislative Council. It was anticipated that much of the process would take place in early 2006. During the period of the Mission, it was pointed out that both the Government and the opposition had submitted comments to the administering Power on the new draft constitution, and that the new text was expected to be sent to the Territory from the United Kingdom in a matter of weeks.

16. On 31 March 2006, the Governor of the Turks and Caicos Islands issued a press release reiterating the stated British policy on the status of the Territory, namely that the United Kingdom fully supported the right of self-determination of the people of the Turks and Caicos Islands, and that they had an "entirely free choice between either retaining the link with the United Kingdom or becoming independent". In the press release, the Governor went on to note that the United Kingdom did not consider itself bound by the options of free association or integration set out in General Assembly resolution 1541 (XV) and believed that the guiding principle should be the Charter of the United Nations, which provides that the administering Power should take due account of the political aspirations of the peoples of its Territories and assist them in the progressive development of their free political institutions according to the particular circumstances of each Territory. The press release concluded that "if a clear and constitutionally expressed majority of the people of the Turks and Caicos Islands want independence, the United Kingdom will support that process. On the other hand, for as long as the people of the Turks and Caicos Islands wish to retain their link with the United Kingdom, the United Kingdom is fully prepared to accept the responsibilities which this brings and, quite

reasonably, needs, the powers necessary to ensure that these responsibilities can be fully met".

17. The policy of the United Kingdom was first articulated by the Minister for Overseas Territories, Bill Rammel, in a 2003 communiqué to the Territories under British administration, following the 2003 Caribbean Regional Seminar on Advancing the Decolonization Process in the Caribbean and Bermuda,[3] held in Anguilla, where the options of free association and integration were discussed in depth with the political leadership of the Turks and Caicos Islands and other Territories present. It was observed by the Territories at the subsequent 2003 United Kingdom Overseas Territories Conference in London that while the United Kingdom had abstained from voting on resolution 1541 (XV) in 1960, based on issues of the transmission of information, it had been one of its three authors and had unanimously recommended the legitimacy of the three political status options of independence, free association and integration and the definitions contained in the annex of the resolution. It was noted that the legitimacy of those three options had been continuously reaffirmed by all Member States in subsequent resolutions. It was further noted by the then Chairman of the Special Committee on Decolonization, Earl Huntley, in a letter in 2003 to the Leader of Government Business of the Cayman Islands that "if all United Nations members were to claim not to be bound by resolutions for which they did not vote, then the United Nations could not function". On the presumption that under a free association arrangement, the United Kingdom would retain all of its responsibilities but not be able to ensure compliance with its international commitments, it was noted by the elected heads of Government of the Territories at the 2003 session of the Conference that the maintenance of those responsibilities and commitments were inapplicable to a free association arrangement, where such controls would rest with the people of the associated country through their elected leadership, as free association was not a form of dependent territory status, but rather an option of political equality.

III. Activities of the Mission

18. The programme of work of the Mission included meetings with the Chief Minister, the Governor, members of the Cabinet, the leader of the opposition and other opposition members of the Legislative Council, the Speaker of the Legislative Council, the Grand Turk and Providenciales Chambers of Commerce, the Public Service Commission, the constitutional review body, the Ministerial Fellowship, civic groups and high-school and college students. In addition, a major feature of the Mission was the conduct of interactive public town hall meetings held during the evening in Grand Turk and Providenciales.

19. Throughout their stay in the Turks and Caicos Islands, the members of the Mission sought to explain the historic role of the United Nations in the promotion of self-determination (see annex I). At the invitation of the Government and with the concurrence of the administering Power, the Mission hoped to gain first-hand insight into the situation in Turks and Caicos, to provide information about self-determination options and to define what assistance the United Nations system could provide to the Territory. It was emphasized that while the Mission would be

[3] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23), chap. II, annex.

providing information about the three options for decolonization set out in resolution 1541 (XV), namely independence, free association and integration, it had not come to seek to persuade the Territory of any particular approach in the self-determination process, or of any particular path to achieve that goal. What the Mission could do was provide examples of Territories that had chosen integration or free association with independent States, and certain insights gained from the experience of other former Territories that had opted for independence. It could also provide information about the supportive role that could be played by regional and subregional organizations and the assistance available from the United Nations system in matters of governance, social development and capacity-building.

Meeting with the Governor

20. Governor Richard Tauwhare received the Mission upon its arrival in Grand Turk and hosted a lunch for the Mission and territorial authorities. He noted that while the Turks and Caicos was experiencing rapid change, each of the islands was at a different stage of development, from the fast growth of Providenciales and the new cruise port in Grand Turk, to the miles of pristine beaches in East Caicos, the largest uninhabited island in the Caribbean. There was a need to balance tourism and construction with due regard for the conservation of the environment, which was the Territory's chief asset. The economy was doing very well and the Government, faced with the need to provide health care, education and other social services on each inhabited island, now had increased revenue to invest in those areas. It was important to diversify the economy by further developing the financial services sector and to invest in agriculture and fisheries so as to lessen the Territory's absolute dependence on imported foods. There was also a need to ensure some protection from the natural disasters to which the region was prone and to address social issues such as illegal immigration and crime. It was hoped that immigration issues would soon be discussed with the new Government of Haiti. Regarding crime, while rates were low compared to what he referred to as regional trends, major efforts were being made to strengthen the police force. In the meantime, the Territory had very constructive arrangements in place with both the Bahamas and the United States on anti-narcotics operations.

21. Regarding constitutional matters, the Governor reiterated the points made in his press release of 31 March 2006 (see para. 16 above). He noted that, based on the 2002 constitutional review process, ongoing discussions between the Turks and Caicos Government, the opposition and the Foreign and Commonwealth Office to modernize the Constitution had culminated in October 2005 in an agreement on substantive points. A draft of the new constitution was expected to be completed within the space of a few weeks, after which it would be discussed at town hall meetings throughout the Territory. According to the Governor, the new text gave the territory increased self-government, while ensuring that the United Kingdom could continue to exercise its responsibilities as administering Power. He indicated that while the draft constitution was not open for further negotiation, it was considered important that it had the broad support of the people of the Turks and Caicos Islands.

Meeting with the Chief Minister and members of the Cabinet

22. At the meeting with Chief Minister Michael Misick and four members of his Cabinet, the Chief Minister noted that his party's position was ultimately to lead the

country to independence, via referendum or through an electoral campaign. In the meantime, however, it was important to educate and inform the people about the process of self-determination and the options for decolonization consistent with United Nations principles. The position of the United Kingdom, that steps towards independence should be taken within a period of 18 to 24 months, was unrealistic, since the Territory needed time to prepare its institutions. The Turks and Caicos Islands had a balanced budget, had required no financial assistance from the United Kingdom for a number of years, and should have a greater say in managing its own affairs. The discussions with the administering Power on the new constitution had sought to end many of the reserved powers of the Governor. The new draft constitution would be discussed by the public, debated in the Legislative Council and hopefully implemented by the end of the summer. Unfortunately, in the absence of sufficient information, the notions of decolonization and independence currently conjured up many fears, and had become politically divisive. Thus, the Government was taking incremental steps towards full self-government while simultaneously seeking to diversify the economy and to empower the people politically, socially and economically.

Meeting with the leader of the opposition and opposition members of the Legislative Council

23. As in the case of the ruling party, the leader of the opposition, Derek Taylor, and PDM members of the Legislative Council noted that PDM also favoured ultimate independence for the territory, stating that the most important aspects of the self-determination process in that regard were timing and preparation. The Territory was enjoying sustained economic prosperity and was financially independent, but there was a need for the administering Power and the territorial Government to exercise greater responsibility, transparency and accountability in public affairs. The challenge was also to ensure that the people were well informed about their democratic rights and educated with regard to the implications of self-determination so that they could make the decision about their future status. The constitutional review process that began in 2002 had concluded that while people were in favour of full self-government, they were not interested in proceeding with it if it came with an unreasonably short timetable for the attainment of independence. The governing party had come into power by a very narrow margin of votes and could not assume that it had a mandate to move towards independence without proper and extensive consultations.

Meeting with the Speaker of the Legislative Council

24. The Speaker of the Legislative Council, Glennevans Clarke, noted that full internal self-government and independence were achievable in the Turks and Caicos Islands within a reasonable timeframe as long as a number of important issues were addressed. He indicated that there was a lack of public awareness regarding self-determination, a "democratic deficit", a deficiency of accountability in the running of public affairs and a need to strengthen the rule of law and to put in place policies to deal with issues such as illegal immigration.

Meetings with the Chambers of Commerce of Grand Turk and Providenciales

25. During the meeting with the Chamber of Commerce of Grand Turk, the Mission was given a written contribution from a member of the Chamber that

claimed that the Foreign and Commonwealth Office had not put in place a policy to prepare the people of Turks and Caicos for self-government and that successive territorial Governments had engaged in questionable financial practices. It called for constitutional advancement as well as clear policies on natural resources, the civil service, immigration and judicial reform. The discussion with the Chamber focused on the need for constitutional reform in order to ensure incremental steps towards self-government that brought with it good governance, stable institutions and social development.

26. The discussions with members of the Providenciales Chamber of Commerce focused on concerns among some in the business community that changes in the political status of the Territory might affect the investment climate. The Mission spoke of the many networks available to self-governing States in the Caribbean, such as CARICOM, the Commonwealth, the international financial institutions and bilateral and multilateral trade mechanisms. Ultimately, what attracted foreign direct investment was not political status, but rather guarantees that adequate regulatory mechanisms were in place. The Turks and Caicos Islands needed those mechanisms regardless of what status it chose. Members of the Mission pointed out that a similar discussion was ongoing in Bermuda between the Government and the private sector.

Meeting with the Public Service Commission

27. Discussions with the three Commissioners of the Public Service Commission focused on the upcoming constitutional amendments, which were expected to strengthen the Commission vis-à-vis the Governor by allowing for two additional Commissioners and giving it full responsibility for appointments within the public service. It was noted that the report of the constitutional modernization review body had recommended that the Governor should not be able to act contrary to the recommendations of the Commission. Overall, it was understood that, under the new constitution, the public service would remain under the control of the administering Power.

Meeting with the constitutional modernization review body

28. The Mission met with three of the members of the constitutional modernization review body, which was constituted in 2002 and had prepared the report that formed the basis of the subsequent negotiations on constitutional reform. The members of the body went through the changes that they understood had been agreed by the Foreign and Commonwealth Office and were expected to be contained in the new constitution, among them the change of title from Chief Minister to Premier, a permanent Deputy Governor who is to be a "belonger", an additional Minister in the Executive Council and two additional elected members in the Legislative Council. The members of the review body understood that many of their recommendations had been agreed to by the British Government, although certain issues had not been accepted, such as consultation on the appointment of the Governor and the exercise of legislative control over the sale of large or valuable tracts of Crown land.

29. The members of the constitutional modernization review body believed that it was necessary to enhance the administrative machinery for good governance, with sufficient checks and balances in preparation for self-determination and independence. Doubts were expressed by some members of the public about certain

actions and decisions of their political leaders, and concern for such issues as unsolved crimes and illegal immigration. They understood that in the upcoming public discussion of the new constitution, the review body, which was seen as independent and transparent, would be given the task of explaining the text. It was noted by the Mission that an educational programme conducted in the midst of the upcoming electoral campaign in the run-up to the 2007 national elections could prove a formidable challenge.

Public meetings at Ona Glinton Primary School Auditorium, Grand Turk (3 April), and Williams Auditorium, Providenciales (5 April), and meeting with high school and college students at the Graceway Sports Centre, Providenciales (6 April)

30. During the two lengthy public meetings held in Grand Turk and in Providenciales, and the meeting with high school and college students, the Chairman and members of the Mission made introductory statements and disseminated information material on the United Nations and decolonization, after which members of the public made statements and asked questions. Some of the speakers at the second meeting referred to information provided by the Mission during a two-hour television programme on the question of self-determination that was aired on the evening of 4 April 2006.

31. Most speakers noted that self-government and independence were an inevitable step in the development of the Turks and Caicos Islands, especially given its economic progress. Others observed that since the economic and social situation in the islands was favourable and stable, there was no need to change it, notwithstanding the inherent democratic deficiencies. Many speakers focused on the need for the Turks and Caicos Islands to develop stronger, more accountable institutions and greater social stability before proceeding towards self-determination. Among the issues that appeared to raise most concern was the Territory's lack of natural resources and its heavy reliance on a booming tourism market driven from abroad, which could be disrupted at any time, by natural disasters or external factors that might disrupt the international economy, however temporarily. Another concern expressed by several speakers was that any move away from the political, security and regulatory framework provided by the United Kingdom could discourage foreign investment. Regarding social issues, several speakers expressed unease about rising crime, while others voiced their perception that local residents were gradually being outnumbered by undocumented workers and that current institutions had difficulty in coping with rising social demands for health care, education, housing and security.

32. Many of the statements and questions revealed that the issue of self-determination was heavily influenced by political party considerations; according to the affiliation of the speaker, his or her party was given credit for advancing the cause of self-determination, while the other party was accused of mismanagement and self-gain. Several speakers accused the current Government of lax public accounting, of allowing the sale of excessive amounts of Crown land and of stifling dissent. Still others lamented the lack of an historic leader who would be able to rise above party politics and galvanize national independence and pride and move towards self-determination.

33. In answer to questions from the public, the members of the Mission elaborated the characteristics of the three decolonization options and pointed out that while the United Kingdom may not offer the alternatives of free association or integration (although General Assembly resolutions continue to reaffirm their applicability), the options remained available to the Territory, in integration or association with another country. The Mission discussed the experiences of former Non-Self-Governing Territories in the region and dispelled misperceptions about concrete aspects of the functioning of a small independent State, such as the need to have its own currency or maintain a costly foreign service. Members of the Mission referred to the report of the Bermuda Independence Commission, which addressed such issues in considerable detail. They also spoke of the varied support available through regional bodies and the United Nations system. Members of the Mission gave examples of the process of democratic governance in their countries and stressed that whatever status the people of Turks and Caicos Islands decided on in the future, it was essential that they continue developing strong, accountable institutions, a diversified economy with adequate regulatory mechanisms and an empowered, well-informed civil society.

Meeting with the Ministerial Fellowship and civic groups

34. On the final evening of the Mission, a meeting was held with the Ministerial Fellowship comprised of members of the clergy in Providenciales along with representatives of other civic groups. A number of questions were raised at the session that mirrored, in many respects, issues raised in the public sessions on both of the main islands. They included matters related to requirements for preparation for independence, whether or not the United States dollar currently in use could be retained under independence and the percentage of the population in other small island countries that had favoured independence prior to achieving that goal. Other issues raised included the alternative method by which other territories had moved to a full measure of self-government, the role of political parties, the sustainability of a small island economy with one or two sectors, provisions for external security assistance and the alternative structures of government under independence. One concern related to the exact responsibility of the administering Power under Article 73*b* of the Charter, and of the United Nations under its various resolutions, to inform the public of the Turks and Caicos Islands of the options available to them.

35. Members of the Mission made reference to various elements of preparation to move to a full measure of self-government, provided examples of independent countries that used currencies other than their own, discussed examples of the methods by which most Caribbean countries moved to independence, presented examples of successful small economies and reviewed distinctions between ministerial and republican forms of government. Several members of the Mission also addressed the statutory responsibility under the Charter to prepare the people of the territories for full self-government and emphasized the importance of ongoing dialogue between the Special Committee on Decolonization and the relevant bodies of the United Nations on the establishment of a programme for the dissemination of information on decolonization to the non-self-governing territories, including the Turks and Caicos Islands, pursuant to long-standing United Nations resolutions.

IV. Conclusions

36. The visit of the United Nations Special Mission to the Turks and Caicos Islands was the first to the Territory since 1980 (see A/AC.109/636 and Corr.1 and Add.1, 2 and 3). More than a quarter-century later, a number of political, economic and constitutional developments have served to heighten the development prospects of this small, multi-island country. On the constitutional front, the changes include the establishment of a ministerial Government, which emerged from the 1976 constitution, providing for a modicum of autonomy, followed by the subsequent suspension of the Constitution in 1985 after a political crisis and the imposition of direct rule of the administering Power, and the resultant less autonomous Constitution given to the Territory in 1988, which is the subject of the ongoing constitutional review.

37. On the socio-economic front, the Territory has experienced a significant and steady period of economic expansion, in particular over the last decade, fuelled by the emergence of high-end tourism, especially in Providenciales. Moreover, plans to expand the tourism infrastructure to the smaller islands are well under way, with the institution of cruise ship tourism in Grand Turk and further high-end tourism projects in other islands. The pace and extent of such sustained economic growth, especially in the construction and services sectors, has exceeded the capacity of the labour force in the Territory, resulting in the use of external labour from neighbouring countries. In the construction sector, much of the labour originates from nearby Haiti, the Dominican Republic and elsewhere, and the importance of this group of migrants to sustained economic growth is significant. A similar case can be seen in the external labour necessary to sustain the services sector, particularly in the tourism area, where significant numbers of workers have migrated from countries such as Jamaica, where an historical relationship has existed with the Turks and Caicos Islands over generations. The role of migrant workers, whose numbers are significant and increasing, their impact on social services and their rights and privileges in the society are the subject of increasing discussion in the community. The issue requires comprehensive review, assessment and attention by the local authorities, with the aim of enhancing social cohesion and preventing any increase in social tension. On that point, UNDP has a significant role to play in expanding its ongoing activities to promote social cohesion in the Territory. Since a primary objective of the Mission was to provide information on how the organizations of the United Nations system could assist the Territory in its development process, an important accomplishment of the Mission was its assessment and identification of where further assistance could be provided in a range of areas under UNDP coordination. For its part, the administering Power should assist the Territory in addressing the social and budgetary impact of accelerating immigration.

38. In respect of the provision of information on political and constitutional development, the Mission played an important role in explaining the options available for political equality to the people of the Territory, both through their institutions and directly in public meetings. In that regard, it was clear that the level of awareness among the people of the political and constitutional alternatives had not kept pace with the level of economic development. While the leadership of both political parties was sufficiently aware of the political alternatives and the strategies necessary for achieving a full measure of self-government, many people expressed a

general lack of awareness of those issues, and were clearly influenced by perceptions that appear to have dissuaded them from seeking self-government on the assumption that continued economic progress was dependent on the maintenance of the colonial condition. Other persons recognized that while economic sustainability was, by and large, a result of the growth-oriented policies of the political leadership, there was still a general need for more information on the political alternatives and what was required to prepare the population for full self-government.

39. On the issue of specific political options, the policy of the administering Power not to offer integration or free association has made the matter more complex; as a result, many people appear to have dismissed those options, even after it was explained that such alternatives were available for the Territory with other countries. Paradoxically, it is important to note that the political leadership of the governing party has been engaged in discussions with certain Canadian officials on a possible free association arrangement, as evidence that the availability of options with countries other than the administering Power is very much understood at the highest political levels.

40. However, the general lack of awareness of the people of the political options available to them and of the process of self-determination in general is very much a function of insufficient information on all aspects regarding the achievement of self-government. This speaks to the fundamental deficiency in the implementation of the long-standing United Nations resolutions on the development of programmes of dissemination of information on decolonization, which, if they were to be instituted, would be designed to heighten the awareness of the people of their options. This information deficit on decolonization also reflects the inadequate attention paid to the responsibilities under Article 73*b* of the Charter to "develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement", notwithstanding the citation of the Article in the press release of 31 March 2006 restating the position of the administering Power, which was issued by the Governor of the Turks and Caicos Islands before the arrival of the Mission. A United Nations programme of public education on self-determination in the Turks and Caicos Islands, as called for repeatedly in United Nations resolutions and successfully undertaken in other Territories in previous years, would go a long way towards bridging the information deficit in the process of self-determination leading to successful decolonization and would serve to develop the full measure of self-government, as stated in the Charter. In this area, the best approach would be for the administering Power to join with the United Nations in implementing that long-standing mandate. It is also to be noted that UNDP, under its governance agenda, can be of assistance in the development process, given its involvement in the constitutional and political evolution in other small island Territories, especially in recent years. UNDP should consider the development of a regional programme on governance, tailor-made to meet the needs of the small island Non-Self-Governing Territories that it currently services, which are in varying stages of political and constitutional evolution.

41. The Special Mission to the Turks and Caicos Islands had the fundamental goal of imparting information on the self-determination process to the people of the Territory and of informing them of assistance that might be available from the wider United Nations system as they proceed in their development process. The Mission

was able to accomplish these stated goals and, in the process, to gain a more thorough understanding of the challenges and aspirations faced by this small island developing territory in the Caribbean whose self-determination aspirations could be realized through further engagement with the United Nations on a broad level.

Annex I

Opening statement of the Chairman of the Special Committee at the meeting with the Chief Minister and Members of Cabinet

Grand Turk, 3 April 2006

My name is Julian R. Hunte, and I am the Permanent Representative of St. Lucia to the United Nations. I presently serve as the Chairman of the United Nations Special Committee on Decolonization. On behalf of the United Nations Special Mission to the Turks and Caicos Islands, which I have the honour to lead, I wish to express our warm appreciation to the Government and people of the Turks and Caicos Islands for the kind hospitality afforded to us since we arrived here in your most beautiful country.

At the outset, Mr. Chief Minister, I wish to express our condolences to you and your family, and to the people of the Turks and Caicos Islands as a whole, on the loss of your father Charles Nathaniel Misick who was a stalwart in the political evolution of this country. It is clear that his legacy will serve as a beacon as the Turks and Caicos Islands proceeds in the quest for the full measure of self-government.

We were most pleased to have received the invitation from the Honourable Chief Minister to contribute to public education on the process of self-determination, a process which is of considerable importance to the future of your country and its people. We were pleased to have been able to respond positively to the discussions held at the 2005 Caribbean Regional Seminar held in Canouan, St. Vincent and the Grenadines, last May, where the potential role of the United Nations was discussed at considerable length with all of the Caribbean territories.

In connection with our visit, we wish to also express our appreciation to the Government of the United Kingdom, the administering Power of the territory, for facilitating this Special Mission.

The matter of the self-determination of peoples has its genesis in Articles 1, 55 and 73 of the Charter of the United Nations, and in the subsequent resolutions of the General Assembly, including the landmark 2005 World Summit Outcome adopted in September 2005 by the heads of Government of the 191 States Members of the United Nations.

Most recently, the General Assembly adopted by consensus, in December 2005, its annual resolution on the small territories, which provided further insight on the way forward for these territories in the decolonization process. These resolutions, adopted by all Member States, continue to confirm the legitimacy of the three options of political equality, namely independence, free association and integration.

Regarding the Charter, Article 73*b* speaks specifically to the responsibilities of those States that administer territories to develop self-government in those territories and to take due account of the political aspirations of the peoples

Further, the various human rights instruments on civil and political rights and on economic, social, and cultural rights emphasize that self-determination is integral to the development of democratic governance and human rights.

The international community has now entered the later stages of the second International Decade for the Eradication of Colonialism, which is designed to assess the state-of-play in the self-determination process and to undertake initiatives in furtherance of this goal.

The Special Mission to the Turks and Caicos Islands can be seen within the framework of this broad legislative authority. Accordingly, our role is twofold:

Firstly, we are here to assess the situation in your country, pursuant to the long-standing United Nations mandate to review, on a continual basis, the situation in each of the remaining 16 non-independent territories. To this end, we look forward to consulting with the community to hear their views on the process of political, constitutional, socio-economic and cultural development.

Secondly, we are here to determine what assistance the wider United Nations system might be able to provide, if requested, to help you as your process unfolds and later in the implementation phase of any decisions you may make. To your great credit, you have already begun the process of active engagement with United Nations bodies such as the United Nations Development Programme in a number of specific programme areas, and are to be congratulated for your recent admission as the eighth associate member of the Economic Commission for Latin America and the Caribbean. The recent admission of the Turks and Caicos Islands as an associate member of the Association of Caribbean States is also to be noted as an example of the proactive approach to engaging the international process.

With regard to the United Nations, it is conceivable that the United Nations could provide assistance through its system of organizations in an even broader range of areas, as in the case of the Trust Territory of the Pacific Islands in the 1980s and in East Timor in the 1990s, where the United Nations role in conducting a popular consultation in those former territories was most useful. This is, of course, a decision of the people themselves, through their elected leadership.

It is also important to emphasize that the United Nations Special Mission is not here to seek to persuade you on any particular approach to take in your self-determination process, or on any particular path you should choose. That is not our role, nor has this ever been the role of the United Nations in the self-determination process of non-independent territories. What the Special Mission can do, however, is to provide certain insights gained from the experiences of other former territories that have moved to a full measure of self-government.

To this end, we have selected a number of distinguished representatives from United Nations Member States, along with a senior official from the United Nations Development Programme and an independent expert on governance, to be a part of this Special Mission.

Their insights, experiences and expertise are formidable, and they are here to contribute their knowledge to the discussions. At this point, permit me to introduce the other members of the Special Mission:

- Ambassador Isikia Rabici Savua, Permanent Representative of Fiji to the United Nations
- Mr. Kais Kabtani, Counsellor, Permanent Mission of Tunisia to the United Nations
- Dr. Carlyle Corbin, Independent Expert on Governance
- Ms. Denise Cook , United Nations Decolonization Unit
- Ms. Melissa McNeil, of the Jamaica Office of the United Nations Development Programme.

Finally, I wish to highlight the fact that a key consideration in the achievement of a full measure of self-government is the matter of preparation. Many former territories were not as constitutionally or economically equipped as the Turks and Caicos Islands when they moved to the next level of their political advancement, thus, the Turks and Caicos Islands is uniquely prepared in both respects, if it chooses to move to the next level of political development.

The Turks and Caicos Islands associate membership in the Caribbean Community (CARICOM) could provide a unique opportunity to study, in depth, the political and constitutional evolution of small States, including transitional arrangements, to full self-government. This is another way the international community, in this case, a regional organization, can provide the Turks and Caicos Islands with valuable information and assistance.

To conclude, the United Nations Special Mission to the Turks and Caicos Islands stands ready to assist as you proceed with this important process. We are here neither to intrude nor to offer any specific solutions. We are here to listen to the views of the people and to provide whatever information may be deemed useful in your process of political, constitutional and socio-economic evolution.

Annex II

Itinerary and activities of the Special Mission

(2-7 April 2006)

Date	*Activities*
Sunday, 2 April	Arrival in Providenciales from New York
Monday, 3 April	Flight from Providenciales to Grand Turk
	Meeting with the Governor of the Turks and Caicos Islands (Governor's Office, Grand Turk)
	Meeting with Chief Minister and Members of the Cabinet (Legislative Council Building)
	Lunch hosted by the Governor (Government House)
	Meeting with the Leader of the Opposition and Opposition Members of the Legislative Council
	Public Town Hall meeting at Ona Glinton Primary School Auditorium, Grand Turk
Tuesday, 4 April	Meeting with the Speaker of the Legislative Council
	Lunch meeting with the Grand Turk Chamber of Commerce
	Flight from Grand Turk to Providenciales
	Television and radio interview on "Education and you" with Chairman and members of the Special Mission
Wednesday, 5 April	Meeting with the Public Service Commission
	Lunch meeting with the Providenciales Chamber of Commerce
	Public Town Hall meeting at Williams Auditorium, Providenciales
Thursday, 6 April	Meeting with the Constitutional Review Body
	Meeting with high school and college students at Graceway Sports Centre, Providenciales
	Press conference at Graceway Sports Centre, Providenciales
	Meeting with Providenciales Ministerial Fellowship and Civic Groups
Friday, 7 April	Depart Providenciales for New York